

# Home Inspectors Licensing Board

## Licensure Laws and Regulations

A Compilation from the Indiana Code and Indiana Administrative Code

2006 Edition



Distributed by the Home Inspectors Licensing Board  
and the Indiana Professional Licensing Agency  
402 West Washington Street, Room W072  
Indianapolis, Indiana 46204  
Phone: (317) 234-3009  
Fax: (317) 232-2312  
Email: [pla9@pla.in.gov](mailto:pla9@pla.in.gov)  
Website: [www.in.gov/pla](http://www.in.gov/pla)

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## HOME INSPECTORS LICENSING BOARD

July 2006 Edition

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## ARTICLE 20.2. HOME INSPECTIONS

### Chapter 1. Application of Article

#### IC 25-20.2-1-1 Application of article; exclusions

Sec. 1. (a) This article applies to an individual who conducts home inspections for compensation.

(b) This article does not apply to the following:

- (1) An individual who is acting within the scope of the individual's employment as:
  - (A) a code enforcement official for the state or a political subdivision of the state; or
  - (B) a representative of a state or local housing agency or authority acting under the authority of the United States Department of Housing and Urban Development.
- (2) An individual who is:
  - (A) either:
    - (i) registered as an architect under IC 25-4;
    - (ii) registered as a professional engineer under IC 25-31; or
    - (iii) licensed as a plumbing contractor or journeyman plumber under IC 25-28.5; and
  - (B) acting within the scope of the individual's registration or license.
- (3) An individual who is licensed under IC 25-34.1 as a real estate broker, broker-salesperson, or salesperson and is acting within the scope of the individual's license.
- (4) An individual who is licensed or certified under IC 25-34.1 as a real estate appraiser and is acting within the scope of the individual's license or certificate.
- (5) An individual who holds a certificate of authority under IC 27-1-27-2 as a public adjuster and is acting within the scope of the individual's certificate.
- (6) An individual who holds a permit, certificate, or license to:
  - (A) use and apply pesticides; or
  - (B) make diagnostic inspections and reports for wood destroying pests;under IC 15-3-3.6 and is acting within the scope of the individual's certificate or license.
- (7) An individual who holds a license from a political subdivision as a tradesperson or home builder and is acting within the scope of the individual's license.

As added by P.L. 145-2003, SEC. 7.

### Chapter 2. Definitions

#### IC 25-20.2-2-1 Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-2 "Agency"

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.  
As added by P.L. 145-2003, SEC. 7. Amended by P.L. 1-2006, SEC. 441.

#### IC 25-20.2-2-3 "Applicant"

Sec. 3. "Applicant" means an individual who applies for a license as a home inspector.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-4 "Board"

Sec. 4. "Board" refers to the home inspectors licensing board established by IC 25-20.2-3-1.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-5 "Client"

Sec. 5. "Client" means an individual who hires or seeks to hire a licensed home inspector to obtain a home inspection or home inspection report.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-6 "Home inspection"

Sec. 6. "Home inspection" means a visual analysis for the purpose of providing a professional opinion of the condition of a residential dwelling and the dwelling's carports or garages, any reasonably accessible installed components, and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling, for the following components:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior components.
- (9) Any other site aspects that affect the residential dwelling.

The term does not include a code compliance inspection.

As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-7 "Home inspection report"

Sec. 7. "Home inspection report" means a legibly written report prepared for compensation and issued after a home inspection. The report must include the following:

- (1) A report on any system or component inspected that, in the professional opinion of the inspector, is significantly deficient or near the end of the system or component's service life. A report under this subdivision must include the reason why the system or component is significantly deficient or near the end of the system or component's service life, unless the reason is self-evident.
- (2) The inspector's recommendation to remedy or monitor a deficiency reported under subdivision (1).
- (3) A list of any systems or components that were designated for inspection in the standards of performance adopted by the board but that were not inspected.
- (4) The reason a system or component listed under subdivision (3) was not inspected.
- (5) A statement that the report does not address environmental hazards, including:
  - (A) lead-based paint;
  - (B) radon;
  - (C) asbestos;
  - (D) cockroaches;
  - (E) rodents;
  - (F) pesticides;
  - (G) treated lumber;
  - (H) mold;
  - (I) mercury;
  - (J) carbon monoxide; or
  - (K) other similar environmental hazards.
- (6) A statement that the report does not address wood destroying insects and organisms.
- (7) A statement that the report does not address subterranean systems or system components (operational or nonoperational), including:
  - (A) sewage disposal;
  - (B) water supply; or
  - (C) fuel storage or delivery.

As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-8 "Licensed home inspector"

Sec. 8. "Licensed home inspector" means an individual who is licensed under this article as a home inspector.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-9 "Licensee"

Sec. 9. "Licensee" means a person who performs home inspections and who is licensed under this article as a home inspector.  
As added by P.L. 145-2003, SEC. 7.

#### IC 25-20.2-2-10 "Residential dwelling"

Sec. 10. "Residential dwelling" means a structure consisting of at least one (1) but not more than five (5) units, each designed for occupancy by a single family, whether the units are occupied or unoccupied.  
As added by P.L. 145-2003, SEC. 7.

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### Chapter 3. Home Inspectors Licensing Board

#### IC 25-20.2-3-1 Establishment of board

Sec. 1. The home inspectors licensing board is established.  
*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-2 Members

Sec. 2. (a) The board is composed of seven (7) members appointed by the governor as follows:

- (1) Four (4) members, each of whom:
  - (A) is licensed in Indiana as a home inspector; and
  - (B) has been actively engaged in performing home inspections in Indiana for at least five (5) years immediately before the member's appointment to the board.
- (2) One (1) member who:
  - (A) is a home builder; and
  - (B) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.
- (3) One (1) member who:
  - (A) is a licensed real estate salesperson under IC 25-34.1-3-3.1 or a licensed real estate broker under IC 25-34.1-3-4.1; and
  - (B) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board.
- (4) One (1) member who represents the public at large and is not associated with the home inspection, home building, or real estate business other than as a consumer.

(b) The members of the board must be residents of Indiana.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-3 Terms of members; removal of members; vacancies

Sec. 3. (a) Each member of the board serves a term of three (3) years and until a successor is appointed and qualified.

(b) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.

(c) If a vacancy occurs in the membership of the board, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(d) A member may not serve on the board for more than six (6) consecutive years.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-4 Chairperson; vice chairperson; terms

Sec. 4. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.

(b) The chairperson and the vice chairperson shall serve in their respective capacities for one (1) year and until a successor is elected.

(c) The chairperson and the vice chairperson may not serve in those capacities for more than two (2) consecutive years.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-5 Presiding at meetings; presiding officer

Sec. 5. (a) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(b) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-6 Board meetings; quorum; majority vote required

Sec. 6. (a) The board shall meet at least two (2) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

(b) The chairperson shall establish the date, time, and place for each meeting.

(c) A majority of the current members of the board constitutes a quorum.

(d) The affirmative vote of a majority of the members appointed to the board is necessary for the board to take official action.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-7 Salary per diem; travel expenses

Sec. 7. Each member of the board is entitled to the minimum salary per diem as provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-8 Board duties and powers

Sec. 8. The board shall:

- (1) administer and enforce this article;
- (2) adopt rules under IC 4-22-2 that are reasonably necessary or appropriate for the administration and enforcement of this article;
- (3) prescribe the requirements for and the form of licenses, applications, and other documents that are required by this article;
- (4) grant, deny, suspend, and revoke approval of examinations and courses of study;
- (5) issue, deny, suspend, and revoke licenses in accordance with this article;
- (6) in accordance with IC 25-1-7, investigate complaints concerning licensees or persons the board has reason to believe should be licensees, including complaints concerning failure to comply with this article or rules adopted under this article, and, when appropriate, take action under IC 25-20.2-8;
- (7) bring actions in the name of the state in an appropriate circuit court in order to enforce compliance with this article or rules adopted under this article;
- (8) establish fees in accordance with IC 25-1-8;
- (9) inspect the records of a licensee in accordance with rules adopted by the board;
- (10) conduct or designate a member or other representative to conduct public hearings on any matter for which a hearing is required under this article and exercise all powers granted under IC 4-21.5;
- (11) adopt a seal containing the words "Indiana Home Inspectors Licensing Board" and, through the board's secretary, certify copies and authenticate all acts of the board;
- (12) in accordance with IC 25-1-6:
  - (A) use counsel, consultants, and other persons;
  - (B) enter into contracts; and
  - (C) authorize expenditures;that are reasonably necessary or appropriate to administer and enforce this article and rules adopted under this article;
- (13) establish continuing education requirements for licensed home inspectors in accordance with IC 25-1-4;
- (14) maintain the board's office, files, records, and property in the city of Indianapolis; and
- (15) exercise all other powers specifically conferred on the board by this article.

*As added by P.L. 145-2003, SEC. 7.*

#### IC 25-20.2-3-9 Board's duty to adopt rules

Sec. 9. The board shall adopt rules under IC 4-22-2 establishing:

- (1) standards for the competent performance of home inspections;
- (2) a code of ethics for licensed home inspectors; and
- (3) standards for home inspection reports prepared by licensed home inspectors.

*As added by P.L. 145-2003, SEC. 7.*

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### Chapter 4. Licensing Agency; Board Secretary

#### IC 25-20.2-4-1 Board secretary; secretary duties

Sec. 1. The agency shall provide the board with a competent person to serve as secretary of the board. The secretary is not a member of the board. The secretary, through the agency, shall:

- (1) provide reasonable notice to board members of the date, time, and place of each meeting and provide notice in compliance with IC 5-14-

- 1.5;
- (2) keep a complete and accurate record of all:
  - (A) meetings;
  - (B) votes taken by the board; and
  - (C) other proceedings, transactions, communications, official acts, and records of the board;
- (3) keep a current file of all licenses and licensees; and
- (4) perform any other duties assigned by the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-4-2 Licensing agency responsibilities**

Sec. 2. The agency shall provide the board with clerical or other assistants, including investigators, necessary for the proper performance of the board's duties.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-4-3 Money collected**

Sec. 3. The secretary shall receive and account for all money collected under this article and, at the end of each month, report to the auditor of state and deposit the money into the state general fund with the treasurer of state.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-4-4 Expenses paid**

Sec. 4. All expenses incurred in the administration of this article shall be paid from the state general fund.

*As added by P.L. 145-2003, SEC. 7.*

### **Chapter 5. Licensing Requirements**

#### **IC 25-20.2-5-1 License required**

Sec. 1. Unless exempt under this article, a person may not conduct a home inspection for compensation without first obtaining a license as a home inspector.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-5-2 Licensing requirements**

Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:
  - (A) is at least eighteen (18) years of age;
  - (B) has graduated from high school or earned an Indiana general educational development (GED) diploma; and
  - (C) has not been:
    - (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
    - (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
    - (iii) listed on a national or state registry of sex offenders; or
    - (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors.
- (2) Verify the information submitted on the application form.
- (3) Complete a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports and pass an examination prescribed or approved by the board.
- (4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:
  - (A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;
  - (B) provides for general liability coverage of at least one hundred thousand dollars (\$100,000);
  - (C) lists the state as an additional insured;
  - (D) states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and
  - (E) contains any other terms and conditions established by the board.

- (5) Pay a licensing fee established by the board.

(b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-5-3 Waiver of licensing requirements**

Sec. 3. (a) The other licensing requirements of this chapter may be waived for an individual moving to Indiana from another jurisdiction, and the individual may be granted a license as a home inspector if the individual meets the following requirements:

- (1) The other jurisdiction grants the same privileges to licensees of Indiana as Indiana grants to licensees of that other jurisdiction.
- (2) The individual is licensed in the other jurisdiction.
- (3) The licensing requirements of the other jurisdiction are substantially similar to the requirements of this article.
- (4) The individual states that the individual has studied, is familiar with, and will abide by this article and the rules adopted by the board under this article.

(b) An individual seeking a license as a home inspector under this section must:

- (1) apply on a form prescribed and provided by the board; and
- (2) pay the applicable licensing fee established by the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-5-4 Nonresident licensing requirements; file consent**

Sec. 4. (a) A nonresident whom the board determines meets the requirements of this article and who files the written consent described in subsection (b) may be licensed as a home inspector in Indiana.

(b) A nonresident applicant shall file with the board a written consent stating that, if licensed:

- (1) the applicant agrees to the commencement of any action arising out of the conduct of the applicant's business in Indiana in the county in which the events giving rise to the cause of action occurred;
- (2) the applicant:
  - (A) agrees to provide to the board the name and address of an agent to receive service of process in Indiana; or
  - (B) consents to the board acting as the applicant's agent for the purpose of receiving service of process, if:
    - (i) an agent's name and address have not been filed with the board; or
    - (ii) the agent's name and address on file with the board are incorrect; and
- (3) the applicant agrees that service of process in accordance with the Indiana Rules of Trial Procedure is proper service and subjects the applicant to the jurisdiction of Indiana courts.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-5-5 Licenses property of board**

Sec. 5. All licenses issued by the board remain the property of the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-5-6 Notification requirement**

Sec. 6. A licensee shall notify the board immediately of any change of:

- (1) name;
- (2) name under which the licensee conducts business; or
- (3) business address.

*As added by P.L. 145-2003, SEC. 7.*

### **Chapter 6. License Renewal**

#### **IC 25-20.2-6-1 Expiration of license**

Sec. 1. A license for a home inspector issued under this article expires on a date established by the licensing agency under IC 25-1-6-4 and shall be renewed biennially upon payment of the required renewal fees. *As added by P.L. 145-2003, SEC. 7. Amended by P.L. 194-2005, SEC. 59.*

#### **IC 25-20.2-6-2 License renewal**

Sec. 2. An individual who applies to renew a license as a licensed home inspector must:

- (1) furnish evidence showing successful completion of the continuing education requirements of this chapter; and
- (2) pay the renewal fee established by the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-6-3 Renewal notice; renewal fee**

- Sec. 3. (a) Renewal notices must be sent in accordance with IC 25-1-2-6(c).  
(b) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-6-4 Continuing education requirements**

Sec. 4. Before the end of each license period, each licensee must complete the continuing education required by the board. This requirement may not exceed twenty (20) hours per year.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-6-5 Adoption of rules concerning continuing education**

Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

- (1) Establish procedures for approving organizations that provide continuing education.
- (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of home inspectors.

*As added by P.L. 145-2003, SEC. 7. Amended by P.L. 194-2005, SEC. 60.*

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### **Chapter 7. Authority of Other Jurisdictions to License Home Inspectors**

#### **IC 25-20.2-7-1 "Political subdivision"**

Sec. 1. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-7-2 Restriction on agency or political subdivision**

Sec. 2. An agency or political subdivision of the state (other than the board) may not:

- (1) impose a registration or licensing requirement; or
- (2) charge a license, an employment, or another fee;

on individuals licensed under this article for activities defined in this article.

*As added by P.L. 145-2003, SEC. 7.*

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### **Chapter 8. Disciplinary Proceedings; Enforcement**

#### **IC 25-20.2-8-1 Disciplinary actions**

Sec. 1. The board may take disciplinary actions against or impose sanctions on a licensee under IC 25-1-11 for any of the following:

- (1) Disclosing information concerning the results of a home inspection without the approval of a client or the client's legal representative, except under a court order.
- (2) Accepting compensation for the same service from more than one (1) party without the consent of all interested parties.
- (3) Accepting commissions or allowances, directly or indirectly, from other parties dealing with the licensee's client in connection with any repair work recommended in the licensee's home inspection report.
- (4) Accepting compensation, directly or indirectly, from the licensee's client in connection with any repair work recommended in the licensee's home inspection report.
- (5) Failing to disclose to a client information about a business interest of the licensee that may affect the client in connection with any work for which the licensee is responsible.
- (6) Knowingly making a false or misleading representation about:
  - (A) the condition of a residential dwelling for which the licensee has performed or has contracted to perform a home inspection; or
  - (B) the extent of the services the licensee has performed or will perform.
- (7) Committing a felony in the course of the practice of home inspection or committing any act constituting a violation of IC 25-20.2-5-2(a)(1)(C).
- (8) Violating any provisions of this article or rules adopted by the board

under this article.

(9) Making a false or misleading representation:

- (A) in a license or renewal application form; or
- (B) in information provided to the board.

(10) Failing to pay any fees or fines required by this article.

(11) Failing to continuously maintain the insurance or other evidence of financial responsibility required by this article.

(12) Communicating to the public false or misleading information about the type of license held by the licensee.

(13) Engaging in a course of lewd or immoral conduct in connection with the delivery of services to clients.

(14) Failing to complete the continuing education requirements established by the board.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-2 Disciplinary hearings**

Sec. 2. The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-3 License suspension**

Sec. 3. The board may summarily suspend a license for up to ninety (90) days before a final adjudication or during an appeal of the board's determination if the board finds that the licensee would represent a clear and immediate danger to the public's health, safety, or property if allowed to perform home inspections. The summary suspension may be renewed upon a hearing before the board for up to ninety (90) days.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-4 Show cause order; cease and desist order**

Sec. 4. (a) If the board determines that an individual not licensed under this article is engaged in or believed to be engaged in activities for which a license is required under this article, the board may issue an order to that individual requiring the individual to show cause why the individual should not be ordered to cease and desist from such activities. The show cause order must set forth a date, time, and place for a hearing at which the affected individual may appear and show cause why the individual should not be subject to licensing under this article.

(b) If the board, after a hearing, determines that the activities in which the individual is engaged are subject to licensing under this article, the board may issue a cease and desist order that identifies the individual and describes activities that are the subjects of the order.

(c) A cease and desist order issued under this section is enforceable in circuit courts.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-5 Criminal violations; amount of fee or compensation added to penalty; separate violations**

Sec. 5. (a) An individual who:

- (1) performs or offers to perform home inspections for compensation without being licensed as a home inspector and without being exempt from licensing under law;
- (2) presents as the individual's own the license of another;
- (3) intentionally gives false or materially misleading information to the board or to a board member in connection with licensing matters;
- (4) impersonates another licensee;
- (5) uses an expired, a suspended, a revoked, or an otherwise restricted license; or
- (6) otherwise violates this article;

commits a Class B infraction.

(b) When entering a judgment for an infraction under this section, the court shall add to any penalty imposed the amount of any fee or other compensation earned by the individual in the commission of the infraction.

(c) Each transaction involving activities defined by this article constitutes a separate violation of this section.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-6 Prove compliance in action to collect fee or other compensation**

Sec. 6. In all actions for the collection of a fee or other compensation for performing home inspections, the party seeking relief must allege and prove that, at the time the cause of action arose, the party seeking relief was not in violation



of section 5 of this chapter.  
*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-7 Judicial review**

Sec. 7. An individual who applies for a license or a licensee who is aggrieved by an order or a determination of the board is entitled to a judicial review under IC 4-21.5.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-8-8 Board legal advisor**

Sec. 8. The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this article.

*As added by P.L. 145-2003, SEC. 7.*

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### **Chapter 9. Liability and Immunity From Liability**

#### **IC 25-20.2-9-1 Statute of limitations**

Sec. 1. An action for damages, whether brought in contract or tort or on any other basis, based upon professional services that were rendered or that should have been rendered by a licensed home inspector may not be brought, commenced, or maintained unless the action is filed not more than two (2) years after the date the cause of action accrues.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-9-2 Immunity from liability if not party to contract**

Sec. 2. A licensed home inspector is not liable to a person for damages that arise from an act or omission relating to a home inspection if the person is not a party to the contract under which the home inspection is conducted.

*As added by P.L. 145-2003, SEC. 7.*

#### **IC 25-20.2-9-3 Immunity from liability**

Sec. 3. A person who in good faith recommends or endorses a licensed home inspector without compensation, remuneration, rebate, or other form of consideration is not liable for the actions of the licensed home inspector, including errors, omissions, the failure to perform contracted duties of a home inspection, or the failure to meet the standards of performance, report writing standards, or code of ethics established by the board.

*As added by P.L. 145-2003, SEC. 7.*

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### **Non-Code Grandparenting Provisions & Board Member Licensing under Public Law 145-2003**

#### **P.L. 145-2003, SECTION 15**

(a) As used in this SECTION, "board" refers to the home inspectors licensing board established by IC 25-20.1-3-1, as added by this act.

(b) An individual who performs home inspections after June 30, 2003, does not violate IC 25-20.2-5-1 or IC 25-20.2-8-5(a)(1), both as added by this act, and may not be disciplined or sanctioned for failure to have a home inspector's license if the person obtains a home inspector's license not later than July 1, 2005.

(c) Notwithstanding the requirements of IC 25-20.2-5-2, as added by this act, before July 1, 2005, the board may issue to an individual, upon the individual's application and payment of fees, a home inspector license if the individual:

- (1) meets the requirements of IC 25-20.2-5-2(a), as added by this act, excluding IC 25-20.2-5-2(a)(3);
- (2) has been engaged in the practice of home inspections for at least six (6) months; and
- (3) documents the performance of at least twenty-five (25) home inspections performed for compensation in the previous twelve (12) months or at least one hundred (100) home inspections performed for compensation in the individual's career.

(d) The board may consider and accept the successful completion of equivalent licensing requirements in another state instead of one (1) or more of the requirements of IC 25-20.2-5-2(a), as added by this act.

(e) This SECTION expires on January 1, 2006.

#### **P.L. 145-2003, SECTION 16**

(a) As used in this SECTION, "board" refers to the home inspectors licensing board established by IC 25-20.2-3-1, as added by this act.

(b) Before July 1, 2004, the governor shall make the initial appointments to the board. In making each initial appointment, the governor shall indicate the length of the term for which the individual is appointed.

(c) Notwithstanding IC 25-20.2-3-3, as added by this act, the initial terms of office for the seven (7) individuals appointed to the board by the governor are as follows:

- (1) Three (3) members for terms of three (3) years.
- (2) Two (2) members for terms of two (2) years.
- (3) Two (2) members for terms of one (1) year.

(d) The initial terms begin July 1, 2004.

(e) An individual who does not meet all the requirements of IC 25-20.2-5-2(a), as added by this act, may be appointed to the board under IC 25-20.2-3-2(a)(1), as added by this act, if the individual:

- (1) meets the requirements of IC 25-20.2-5-2(a)(1)(A) through IC 25-20.2-5-2(a)(1)(C), as added by this act;
- (2) had been performing home inspections for at least six (6) months immediately before the person's appointment; and
- (3) documents the performance of at least twenty-five (25) home inspections performed for compensation in the previous twelve (12) months or at least one hundred (100) home inspections performed for compensation in the individual's career.

(f) A board member appointed in accordance with subsection (e) must obtain the requisite license in accordance with IC 25-20.2-5-3, as added by this act, on or before July 1, 2005. If a board member does not obtain the requisite license on or before July 1, 2005, the board member shall be considered to have resigned from the board on July 1, 2005, and the governor shall fill the vacancy in accordance with IC 25-20.2-3-3@, as added by this act. If a board member resigns under this SECTION for failure to obtain a home inspector's license, the acts of the board member and the board before July 1, 2005, are legal and valid.

(g) Not later than January 1, 2005, the board shall adopt rules under IC 4-22-2 to carry out this act.

(h) This SECTION expires June 30, 2007.

#### **P.L. 145-2003 SECTION 17**

An emergency is declared for this act.

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### **INDIANA CODE § 25-1**

#### **ARTICLE 1. GENERAL PROVISIONS**

#### **INDIANA CODE § 25-1-1**

##### **Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required**

#### **IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.  
(Formerly: Acts 1931, c. 124, s. 1; Acts 1941, c. 61, s. 1; Acts 1943, c. 124, s. 1; Acts 1953, c. 208, s. 1.) As amended by Acts 1978, P.L. 2, SEC. 2501.

#### **IC 25-1-1-2 License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.  
(Formerly: Acts 1931, c. 124, s. 2; Acts 1972, P.L. 183, SEC. 1.)

#### **IC 25-1-1-3 Repealed**

(Repealed by Acts 1978, P.L. 2, SEC. 2570.)

## IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L.2, SEC.2570.)

### INDIANA CODE § 25-1-1.1

#### Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

##### IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense.

The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

##### IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

##### IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-

4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L.67-1990, SEC.8. Amended by P.L.182-1991, SEC.1; P.L.17-2001, SEC.6; P.L.1-2002, SEC.94; P.L.151-2006, SEC.11.

### INDIANA CODE § 25-1-1.2

#### Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

##### IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

##### IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.1-2005, SEC.191; P.L.246-2005, SEC.210.

##### IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

##### IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

##### IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

##### IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

##### IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

- (1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.
- (2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 19; P.L. 1-1997, SEC. 109.*

**IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement**

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

- (1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.
- (2) Describes the amount of child support that the practitioner is in arrears.
- (3) Explains that unless the practitioner contacts the bureau and:
  - (A) pays the practitioner's child support arrearage in full;
  - (B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or
  - (C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

- (4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
- (5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

- (6) Explains the procedures to:
  - (A) pay the practitioner's child support arrearage in full;
  - (B) establish a payment plan with the bureau to pay the arrearage;
  - (C) request the activation of an income withholding order under IC 31-16-15-2; and
  - (D) request a hearing under IC 31-25-4-33.

- (7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

- (A) paid the practitioner's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

- (1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:
  - (A) paid the person's child support arrearage in full; or
  - (B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.
- (2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:
  - (A) pay the person's child support arrearage in full; or
  - (B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

*As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 20; P.L. 1-1997, SEC. 110; P.L. 145-2006, SEC. 158.*

**IC 25-1-1.2-9 Repealed**

*(Repealed by P.L. 23-1996, SEC. 33.)*

**IC 25-1-1.2-10 Repealed**

*(Repealed by P.L. 23-1996, SEC. 33.)*

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**INDIANA CODE § 25-1-2**

**Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

**IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year. *(Formerly: Acts 1961, c. 79, s. 1.) As amended by P.L. 1-1990, SEC. 246.*

**IC 25-1-2-2 Repealed**

*(Repealed by P.L. 1-1990, SEC. 247.)*

**IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.

- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.

*As added by P.L. 1-1990, SEC. 248. Amended by P.L. 186-1990, SEC. 1; P.L. 183-1991, SEC. 1; P.L. 182-1991, SEC. 2; P.L. 25-1992, SEC. 26; P.L. 227-1993, SEC. 2; P.L. 124-1994, SEC. 1; P.L. 234-1995, SEC. 1; P.L. 175-1997, SEC. 2; P.L. 147-1997, SEC. 5; P.L. 84-1998, SEC. 1; P.L. 54-2001, SEC. 3; P.L. 162-2002, SEC. 1; P.L. 145-2003, SEC. 1; P.L. 87-2005, SEC. 31.*

#### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.  
(Formerly: Acts 1961, c.79, s.3.) *As amended by Acts 1982, P.L. 154, SEC. 1.*

#### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.  
(Formerly: Acts 1961, c.79, s.4.)

#### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.  
(Formerly: Acts 1961, c.79, s.5.) *As amended by Acts 1982, P.L. 154, SEC. 2.*

#### **IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.

- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

*As added by Acts 1981, P.L. 221, SEC. 1. Amended by P.L. 137-1985, SEC. 5; P.L. 246-1985, SEC. 13; P.L. 169-1985, SEC. 22; P.L. 149-1987, SEC. 17; P.L. 5-1988, SEC. 132; P.L. 28-1988, SEC. 73; P.L. 242-1989, SEC. 4; P.L. 234-1989, SEC. 1; P.L. 238-1989, SEC. 4; P.L. 186-1990, SEC. 2; P.L. 183-1991, SEC. 2; P.L. 23-1991, SEC. 7; P.L. 48-1991, SEC. 12; P.L. 2-1992, SEC. 765; P.L. 227-1993, SEC. 3; P.L. 33-1993, SEC. 9; P.L. 124-1994, SEC. 2; P.L. 175-1997, SEC. 3; P.L. 125-1997, SEC. 17; P.L. 147-1997, SEC. 6; P.L. 253-1997(ss), SEC. 22; P.L. 24-1999, SEC. 2; P.L. 82-2000, SEC. 2; P.L. 54-2001, SEC. 4; P.L. 162-2002, SEC. 2; P.L. 145-2003, SEC. 2.*

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).  
*As added by P.L. 37-1985, SEC. 56.*

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

*As added by P.L. 5-1988, SEC. 133. Amended by P.L. 2-1993, SEC. 135; P.L. 1-1995, SEC. 69; P.L. 98-2004, SEC. 98.*

#### **IC 25-1-2-9 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

## **INDIANA CODE § 25-1-3**

### **Chapter 3. Civil Immunity of Regulatory Agencies**

#### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive

secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

#### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

#### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.

(Formerly: Acts 1975, P.L.268, SEC.1.)

#### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.

(Formerly: Acts 1975, P.L.268, SEC.1.)

### **INDIANA CODE § 25-1-4**

#### **Chapter 4. Continuing Education**

##### **IC 25-1-4-0.2 "Approved organization" defined**

Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

As added by P.L. 157-2006, SEC. 10.

##### **IC 25-1-4-0.3 "Board" defined**

Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).

- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27-1).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detective licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

As added by P.L.269-2001, SEC.2. Amended by P.L.157-2006, SEC.11.

##### **IC 25-1-4-0.5 "Continuing education" defined**

Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction that is approved by an approved organization or the board and that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

As added by P.L.157-2006, SEC.12.

##### **IC 25-1-4-0.6 "Practitioner" defined**

Sec. 0.6. As used in section 3 of this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question.

As added by P.L.269-2001, SEC.3.

##### **IC 25-1-4-1 Requirement**

Sec. 1. No board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may require continuing education as a condition of certification, registration, or licensure unless so specifically authorized or mandated by statute.

As added by Acts 1981, P.L.222, SEC.1.

##### **IC 25-1-4-2 Promotion**

Sec. 2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 may cooperate with members of the profession or occupation it regulates to promote continuing education within the profession or occupation.

As added by Acts 1981, P.L.222, SEC.1.

##### **IC 25-1-4-3 Sworn statements of compliance; retention of copies of certificates of completion; audits**

Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

(1) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

*As added by P.L. 269-2001, SEC. 4. Amended by P.L. 157-2006, SEC. 13.*

#### **IC 25-1-4-3.2 Distance learning methods**

Sec. 3.2. A board or agency regulating a profession or occupation under this title or under IC 15, IC 16, or IC 22 shall require that at least one-half (50%) of all continuing education requirements must be allowed by distance learning methods, except for doctors, nurses, chiropractors, optometrists and dentists.

*As added by P.L. 227-2001, SEC. 1.*

#### **IC 25-1-4-4 Hardship waiver**

Sec. 4. A board, a commission, a committee, or an agency regulating a profession or occupation under this title or under IC 15,

IC 16, or IC 22 may grant an applicant a waiver from all or part of the continuing education requirement for a renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances determined by the board or agency.

*As added by P.L. 88-2004, SEC. 1.*

#### **IC 25-1-4-5**

Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that the practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal, require the practitioner to comply with subsection (b).

(3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner suspended under subsection (c); or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1).

*As added by P.L. 157-2006, SEC. 14.*

#### **IC 25-1-4-6**

Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

*As added by P.L. 157-2006, SEC. 15.*

#### **IC 25-1-4-7**

Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

*As added by P.L. 157-2006, SEC. 16.*

#### **IC 25-1-4-8**

Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L. 157-2006, SEC. 17.*

## **INDIANA CODE § 25-1-5**

### **Chapter 5. Professional Licensing Agency**

#### **IC 25-1-5-1 Centralization of staff, functions, and services; purpose**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

(1) make maximum use of data processing as a means of more efficient operation; and

(2) provide more services and carry out functions of superior quality.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 169-1985, SEC. 23; P.L. 206-2005, SEC. 1.*

#### **IC 25-1-5-2 Definitions**

Sec. 2. As used in this chapter:

(1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.

(2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.*

#### **IC 25-1-5-3 Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Board of environmental health specialists (IC 25-32).

(10) Speech-language pathology and audiology board (IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Controlled substances advisory committee (IC 35-48-2-1).

(14) Committee of hearing aid dealer examiners (IC 25-20).

- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by Acts 1982, P.L. 113, SEC. 8; P.L. 137-1985, SEC. 6; P.L. 169-1985, SEC. 24; P.L. 149-1987, SEC. 18; P.L. 242-1989, SEC. 5; P.L. 238-1989, SEC. 5; P.L. 186-1990, SEC. 3; P.L. 48-1991, SEC. 13; P.L. 227-1993, SEC. 4; P.L. 213-1993, SEC. 1; P.L. 33-1993, SEC. 10; P.L. 124-1994, SEC. 3; P.L. 175-1997, SEC. 4; P.L. 147-1997, SEC. 7; P.L. 84-1998, SEC. 2; P.L. 24-1999, SEC. 3; P.L. 206-2005, SEC. 3.*

#### **IC 25-1-5-4 Additional duties and functions; staff**

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
  - (A) the statute regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant

is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 169-1985, SEC. 25; P.L. 149-1987, SEC. 19; P.L. 22-1999, SEC. 1; P.L. 44-2000, SEC. 1; P.L. 75-2002, SEC. 1; P.L. 206-2005, SEC. 4.*

#### **IC 25-1-5-5 Executive Director**

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative

recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees.

*As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.*

#### **IC 25-1-5-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.*

#### **IC 25-1-5-7 Repealed**

*(Repealed by P.L.186-1990, SEC.17.)*

#### **IC 25-1-5-8 Repealed**

*(Repealed by P.L. 206-2005, SEC. 15)*

#### **IC 25-1-5-9 Submission of certified document as proof of required diploma**

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program.

*As added by P.L.177-1996, SEC.1.*

#### **IC 25-1-5-10 Provider profiles**

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22-5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35-6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.211-2001, SEC.1. Amended by P.L. 177-2005, SEC. 45; P.L. 206-2005, SEC. 7.*

#### **IC 25-1-5-11**

Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L.157-2006, SEC.18.*

## **INDIANA CODE § 25-1-6**

### **Chapter 6. Professional Licensing Agency**

#### **IC 25-1-6-1 Legislative intent**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.2; P.L. 194-2005, SEC. 1.*

#### **IC 25-1-6-2 Definitions**

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

*As added by Acts 1981, P.L.222, SEC.3. Amended by P.L.132-1984, SEC.3; P.L. 206-2005, SEC. 8.*

#### **IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).



- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 10; P.L. 132-1984, SEC. 4; P.L. 246-1985, SEC. 14; P.L. 257-1987, SEC. 14; P.L. 234-1989, SEC. 2; P.L. 186-1990, SEC. 4; P.L. 23-1991, SEC. 8; P.L. 48-1991, SEC. 15; P.L. 1-1992, SEC. 129; P.L. 30-1993, SEC. 4; P.L. 234-1995, SEC. 2; P.L. 82-2000, SEC. 3; P.L. 227-2001, SEC. 3; P.L. 162-2002, SEC. 3; P.L. 145-2003, SEC. 3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9.*

#### **IC 25-1-6-4 Additional duties and functions; staff**

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
  - (A) the law regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 5; P.L. 194-2005, SEC. 3.*

#### **IC 25-1-6-5 Executive director**

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 11; P.L. 132-1984, SEC. 6; P.L. 49-1997, SEC. 64; P.L. 194-2005, SEC. 4.*

#### **IC 25-1-6-5.5 Appeal of license renewal denial**

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

*As added by P.L. 227-2001, SEC. 4. Amended by P.L. 1-2002, SEC. 95; P.L. 194-2005, SEC. 5.*

#### **IC 25-1-6-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 7.*

#### **IC 25-1-6-7 Repealed**

*(Repealed by P.L. 186-1990, SEC. 17.)*

#### **IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list**

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

(1) is licensed under this chapter or IC 25-1-5; or

(2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

(1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or

(2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

*As added by P.L. 26-1985, SEC. 20. Amended by P.L. 332-1989(ss), SEC. 46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.*

#### **IC 25-1-6-9 Repealed**

*(Repealed by P.L. 186-1990, SEC. 17.)*

#### **IC 25-1-6-10**

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service that provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L. 157-2006, SEC. 19.*

### **INDIANA CODE § 25-1-7**

#### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

##### **IC 25-1-7-1 Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5.1-1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private detectives licensing board (IC 25-30.1-5.1).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by Acts 1982, P.L. 113, SEC. 12; P.L. 137-1985, SEC. 7; P.L. 246-1985, SEC. 15; P.L. 169-1985, SEC. 29; P.L. 149-1987, SEC. 21; P.L. 257-1987, SEC. 15; P.L. 242-1989, SEC. 6; P.L. 234-1989, SEC. 3; P.L. 238-1989, SEC. 6; P.L. 1-1990, SEC. 249; P.L. 186-1990, SEC. 5; P.L. 183-1991, SEC. 3; P.L. 23-1991, SEC. 9; P.L. 48-1991, SEC. 16; P.L. 1-1992, SEC. 130; P.L. 30-1993, SEC. 5; P.L. 227-1993, SEC. 5; P.L. 213-1993, SEC. 2; P.L. 8-1993, SEC. 371; P.L. 33-1993, SEC. 11; P.L. 1-1994, SEC. 120; P.L. 124-1994, SEC. 4; P.L. 234-1995, SEC. 3; P.L. 175-1997, SEC. 5; P.L. 147-1997, SEC. 8; P.L. 84-1998, SEC. 3; P.L. 24-1999, SEC. 4; P.L. 82-2000, SEC. 4; P.L. 162-2002, SEC. 4; P.L. 145-2003, SEC. 4.*

##### **IC 25-1-7-2 Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

*As added by Acts 1981, P.L. 222, SEC. 4.*

### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

*As added by Acts 1981, P.L. 222, SEC. 4.*

### **IC 25-1-7-4 Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L. 222, SEC. 4.*

### **IC 25-1-7-5 Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

- (1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.
- (2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.
- (3) The director shall report any pertinent information regarding the status of the complaint to the complainant.
- (4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.
- (5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 22-1999, SEC. 2; P.L. 14-2000, SEC. 55; P.L. 206-2005, SEC. 11.*

### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 22-1999, SEC. 3; P.L. 206-2005, SEC. 12.*

### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney

general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L. 222, SEC. 4.*

### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.

*As added by Acts 1981, P.L. 222, SEC. 4.*

### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5).

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 181-2002, SEC. 1.*

### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 181-2002, SEC. 2.*

### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 7-1987, SEC. 110.*

### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L. 255-1987, SEC. 1.*

### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

*As added by P.L. 177-1997, SEC. 1.*

## INDIANA CODE § 25-1-8

### Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

#### IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30.1-5-1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L. 223, SEC. 1. Amended by P.L. 250-1983, SEC. 1; P.L. 246-1985, SEC. 16; P.L. 169-1985, SEC. 30; P.L. 19-1986, SEC. 42; P.L. 149-1987, SEC. 22; P.L. 257-1987, SEC. 16; P.L. 3-1989, SEC. 144; P.L. 234-1989, SEC. 4; P.L. 186-1990, SEC. 6; P.L. 183-1991, SEC. 4; P.L. 23-1991, SEC. 10; P.L. 48-1991, SEC. 17; P.L. 1-1992, SEC. 131; P.L. 30-1993, SEC. 6; P.L. 33-1993, SEC. 12; P.L. 213-1993, SEC. 3; P.L. 227-1993, SEC. 6; P.L. 1-1994, SEC. 121; P.L. 124-1995, SEC. 5; P.L. 234-1995, SEC. 4; P.L. 147-1997, SEC. 9; P.L. 84-1998, SEC. 4; P.L. 24-1999, SEC. 5; P.L. 82-2000, SEC. 5; P.L. 162-2002, SEC. 5; P.L. 2-2003, SEC. 64; P.L. 145-2003, SEC. 5.*

#### IC 25-1-8-1.1 Repealed

*(Repealed by P.L. 19-1986, SEC. 43.)*

#### IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.

- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L. 223, SEC. 1. Amended by Acts 1982, P.L. 113, SEC. 13; P.L. 169-1985, SEC. 31; P.L. 48-1991, SEC. 18; P.L. 33-1993, SEC. 13; P.L. 235-1995, SEC. 1.*

#### IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L. 113, SEC. 14.*

#### IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L. 234-1983, SEC. 3.*

#### IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L. 169-1985, SEC. 32. Amended by P.L. 152-1988, SEC. 5; P.L. 48-1991, SEC. 19.*

#### IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).

- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20-2-3-1).
- (17) Indiana hypnotist committee (IC 25-20-5-1-7).
- (18) State board of registration for land surveyors (IC 25-21-5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23-7).
- (20) Medical licensing board of Indiana (IC 25-22-5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28-5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5-1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34-1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34-1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35-6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L. 269-2001, SEC. 5. Amended by P.L. 206-2005, SEC. 13; P.L. 157-2006, SEC. 20.*

#### **IC 25-1-8-7 Repealed**

*(Repealed by P.L. 157-2006, SEC. 76.)*

### **INDIANA CODE § 25-1-9**

#### **Chapter 9. Health Professions Standards of Practice**

##### **IC 25-1-9-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22-5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5-1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20-5-1-7).

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 242-1989, SEC. 7; P.L. 238-1989, SEC. 7; P.L. 186-1990, SEC. 7; P.L. 48-1991, SEC. 20; P.L. 227-1993, SEC. 7; P.L. 33-1993, SEC. 14; P.L. 213-1993, SEC. 4; P.L. 1-1994, SEC. 122; P.L. 124-1994, SEC. 6; P.L. 175-1997, SEC. 6; P.L. 147-1997, SEC. 10; P.L. 84-1998, SEC. 5; P.L. 24-1999, SEC. 6.*

##### **IC 25-1-9-2 "Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

*As added by P.L. 152-1988, SEC. 1.*

##### **IC 25-1-9-3 "License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L. 152-1988, SEC. 1.*

##### **IC 25-1-9-3.5 "Sexual contact" defined**

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

*As added by P.L. 200-2001, SEC. 1.*

##### **IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline**

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:

- (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice;
  - (B) engaged in fraud or material deception in the course of professional services or activities; or
  - (C) advertised services in a false or misleading manner;
- (2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

- (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
- (ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has diverted:

- (A) a legend drug (as defined in IC 16-18-2-199); or
- (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

- (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
- (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
- (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; or
- (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 2-1993, SEC. 136; P.L. 149-1997, SEC. 7; P.L. 22-1999, SEC. 4; P.L. 200-2001, SEC. 2; P.L. 203-2001, SEC. 3; P.L. 1-2002, SEC. 96.*

#### **IC 25-1-9-5 Optometry employment practice**

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-6 Veterinary practitioners; cruelty to animals**

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment**

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

- (1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
- (2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

- (1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
- (2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
- (3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

*As added by P.L. 151-1989, SEC. 9.*

#### **IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions**

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23-6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

- (1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
- (2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
- (3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
- (4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

- (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
- (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
- (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

- (5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

- (A) make or file a false report or record; or
- (B) impede or obstruct the filing of a report or record; or

- (6) performed a diagnosis (as defined in IC 25-22-5-1-1.1(c));
- (7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;
- (8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or
- (9) performed services outside of the scope of practice of the license issued under IC 25-23-6.

*As added by P.L. 147-1997, SEC. 11. Amended by P.L. 2-1998, SEC. 65.*

#### **IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders**

Sec. 6.8. (a) This section applies to a practitioner who is:

- (1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

*As added by P.L. 107-2002, SEC. 28.*

#### **IC 25-1-9-6.9 Failing to provide or providing false information to agency**

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

*As added by P.L. 211-2001, SEC. 2. Amended by P.L. 206-2005, SEC. 14.*

#### **IC 25-1-9-7 Physical or mental examination; power to require**

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 158-2003, SEC. 2.*

#### **IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions**

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-9 Disciplinary sanctions**

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the board;
- (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of Incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 48-1991, SEC. 21; P.L. 22-1999, SEC. 5; P.L. 32-2000, SEC. 10; P.L. 211-2001, SEC. 3.*

#### **IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard**

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 15-5-1.1, IC 25-22.5 or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

- (1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and
- (2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 43-1995, SEC. 2; P.L. 71-2000, SEC. 18.*

#### **IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension**

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

*As added by P.L. 43-1995, SEC. 3.*

#### **IC 25-1-9-11 Reinstatement of suspended licenses**

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-12 Reinstatement of revoked license**

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-13 Consistency of sanctions prescribed**

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval**

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

*As added by P.L. 152-1988, SEC. 1.*

#### **IC 25-1-9-15 Costs in disciplinary proceedings**

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

*As added by P.L. 152-1988, SEC. 1. Amended by P.L. 158-2003, SEC. 3.*

#### **IC 25-1-9-16 Refusal of licensure or grant of probationary license**

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of another state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L. 33-1993, SEC. 15. Amended by P.L. 32-2000, SEC. 11.*

#### **IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee**

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.

*As added by P.L. 33-1993, SEC. 16.*

#### **IC 25-1-9-18 Fitness determination of health care provider; filing complaint**

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

*As added by P.L. 43-1995, SEC. 4. Amended by P.L. 1-1998, SEC. 131.*

#### **IC 25-1-9-19 Third party billing notice**

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

*As added by P.L. 178-2003, SEC. 12.*

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## **INDIANA CODE § 25-1-10**

### **Chapter 10. Reserved**

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## **INDIANA CODE § 25-1-11**

### **Chapter 11. Professional Licensing Standards of Practice**

#### **IC 25-1-11-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2-1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6-1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21-5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28-5-1-3).
- (11) Indiana real estate commission (IC 25-34-1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34-1-8).
- (13) Private detectives licensing board (IC 25-30-1-5-1).
- (14) Manufactured home installer licensing board (IC 25-23-7).

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 2-1995, SEC. 93; P.L. 234-1995, SEC. 5; P.L. 82-2000, SEC. 6; P.L. 162-2002, SEC. 6.*

#### **IC 25-1-11-2 "Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 1.*

#### **IC 25-1-11-3 "License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-4 "Person" defined**

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 2.*

#### **IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions**

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities; or
  - (C) advertised services or goods in a false or misleading manner;
- (2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;



(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

- (A) professional incompetence;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency on alcohol

or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

(d) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7) or subsection (c).

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 84-1998, SEC. 6; P.L. 113-1999, SEC. 1.*

#### **IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions**

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-9.5 Repealed**

*(Repealed by P.L. 194-2005, SEC. 87.)*

#### **IC 25-1-11-10 Physical and mental examination of practitioner**

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 1. Amended by P.L. 194-2005, SEC. 7.*

#### **IC 25-1-11-11 Refusal of physical or mental examination; summary suspension**

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-12 Sanctions for violations**

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the board;
- (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 32-2000, SEC. 12.*

#### **IC 25-1-11-13 Summary suspension of practitioners**

Sec. 13. The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 2.*

#### **IC 25-1-11-14 Reinstatement of suspended license**

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 3.*

#### **IC 25-1-11-15 Reinstatement of revoked license**

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-16 Consistency of sanctions**

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-17 Surrender of practitioner license**

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

*As added by P.L. 214-1993, SEC. 1.*

#### **IC 25-1-11-18 Costs; practitioners subjected to sanctions**

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's

ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges

*As added by P.L. 214-1993, SEC. 1. Amended by P.L. 194-2005, SEC. 8.*

#### **IC 25-1-11-19 Refusal of licensure or granting of probationary license**

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
  - (A) been disciplined by a licensing entity of another state or jurisdiction; or
  - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L. 194-2005, SEC. 9.*

#### **IC 25-1-11-20 Applicant appearance before board**

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

*As added by P.L. 194-2005, SEC. 10.*

### **INDIANA CODE § 25-1-12**

#### **Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

##### **IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L. 88-2004, SEC. 2.*

##### **IC 25-1-12-2 "Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

*As added by P.L. 88-2004, SEC. 2.*

##### **IC 25-1-12-3 "Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

*As added by P.L. 88-2004, SEC. 2. Amended by P.L. 2-2005, SEC. 64.*

##### **IC 25-1-12-4 "National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

*As added by P.L. 88-2004, SEC. 2.*

##### **IC 25-1-12-5 "Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title or IC 15, IC 16, or IC 22.

*As added by P.L. 88-2004, SEC. 2.*

##### **IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:

- (A) discharge; or
- (B) government movement orders;

to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.

(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.

(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

*As added by P.L. 88-2004, SEC. 2. Amended by P.L. 2-2005, SEC. 65.*

##### **IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

*As added by P.L. 88-2004, SEC. 2.*

##### **IC 25-1-12-8 Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or

(2) the national guard;  
under federal law.  
As added by P.L. 88-2004, SEC. 2.

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## INDIANA CODE § 25-1-13

### Chapter 13. Indiana Scheduled Prescription Electronic Collection and Tracking Program

#### IC 25-1-13-1 Applicability

Sec. 1. This chapter applies after June 30, 2007.  
As added by P.L. 65-2006, SEC. 1.

#### IC 25-1-13-2 "Agency" defined

Sec. 2. As used in this chapter, "agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.  
As added by P.L. 65-2006, SEC. 1.

#### IC 25-1-13-3 "INSPECT" defined

Sec. 3. As used in this chapter, "INSPECT" refers to the Indiana scheduled prescription electronic collection and tracking program established by section 4 of this chapter.  
As added by P.L. 65-2006, SEC. 1.

#### IC 25-1-13-4

Sec. 4. The Indiana scheduled prescription electronic collection and tracking program is established within the agency.  
As added by P.L. 65-2006, SEC. 1.

#### IC 25-1-13-5

Sec. 5. The agency shall perform all administrative functions, duties, and responsibilities for the INSPECT program.  
As added by P.L. 65-2006, SEC. 1.

#### IC 25-1-13-6

Sec. 6. The INSPECT program shall collect and process information received under IC 35-48-7-8.1 and has duties described in IC 35-48-7-10.1 and IC 35-48-7-11.1.  
As added by P.L. 65-2006, SEC. 1.

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## Non-Code Provisions under Public Law 206-2005

### P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

### P.L. 206-2005, SECTION 17

(a) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to make conforming statutory changes, as needed, to reconcile the statutes with this act.

(b) This SECTION expires June 30, 2007.

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## Rules of the Home Inspectors Licensing Board

### Title 878 Indiana Administrative Code

## ARTICLE 1. GENERAL PROVISIONS

### Rule 1. Definitions

#### 878 IAC 1-1-1 Applicability

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 1. The definitions in this rule apply throughout this article.  
(Home Inspectors Licensing Board; 878 IAC 1-1-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2718)

#### 878 IAC 1-1-2 "Alarm systems" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 2. "Alarm systems" means warning devices, installed or free-standing, including, but not limited to, the following:

- (1) Carbon monoxide detectors.
- (2) Flue gas and other spillage detectors.
- (3) Security equipment.
- (4) Ejector pumps.
- (5) Smoke alarms.

(Home Inspectors Licensing Board; 878 IAC 1-1-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-3 "Architectural service" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 3. "Architectural service" means any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including, but not specifically limited to, the following:

- (1) Schematic design.
- (2) Design development.
- (3) Preparation of construction contract documents.
- (4) Administration of the construction contract.

(Home Inspectors Licensing Board; 878 IAC 1-1-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-4 "Compensation" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 4. "Compensation" means direct or indirect payment, including the expectation of payment whether or not actually received.

(Home Inspectors Licensing Board; 878 IAC 1-1-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-5 "Component" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 5. "Component" means a readily accessible and observable aspect of a system.

(Home Inspectors Licensing Board; 878 IAC 1-1-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-6 "Decorative" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 6. "Decorative" means an item that is not required for the operation of the essential systems and components of a home.

(Home Inspectors Licensing Board; 878 IAC 1-1-6; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-7 "Dismantle" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 7. "Dismantle" means to take apart or remove any component, device, or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance.

(Home Inspectors Licensing Board; 878 IAC 1-1-7; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)

#### 878 IAC 1-1-8 "Engineering service" defined

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 8. "Engineering service" means any professional service or creative work requiring engineering education, training, and experience and the application

of special knowledge of the mathematical, physical, and engineering sciences to such professional service or creative work as:

- (1) consultation;
- (2) investigation;
- (3) evaluation;
- (4) planning;
- (5) design; and
- (6) supervision;

of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works, and processes.

*(Home Inspectors Licensing Board; 878 IAC 1-1-8; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)*

**878 IAC 1-1-9 "Further evaluation" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 9. "Further evaluation" means examination and analysis by a qualified professional, tradesman, or service technician beyond that provided by the home inspection.

*(Home Inspectors Licensing Board; 878 IAC 1-1-9; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)*

**878 IAC 1-1-10 "Installed" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 10. "Installed" means attached such that removal requires tools.

*(Home Inspectors Licensing Board; 878 IAC 1-1-10; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)*

**878 IAC 1-1-11 "Normal operating controls" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 11. "Normal operating controls" means devices, such as thermostats, switches, or valves, intended to be operated by the homeowner.

*(Home Inspectors Licensing Board; 878 IAC 1-1-11; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)*

**878 IAC 1-1-12 "Readily accessible" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 12. "Readily accessible" means available for visual inspection without requiring:

- (1) moving of personal property;
- (2) dismantling;
- (3) destructive measures; or
- (4) any action that will likely involve risk to persons or property.

*(Home Inspectors Licensing Board; 878 IAC 1-1-12; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2719)*

**878 IAC 1-1-13 "Readily openable access panel" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 13. "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that:

- (1) is within normal reach;
- (2) can be removed by one (1) person; and
- (3) is not sealed in place.

*(Home Inspectors Licensing Board; 878 IAC 1-1-13; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-14 "Recreational facilities" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 14. "Recreational facilities" means the following:

- (1) Spas.
- (2) Saunas.
- (3) Steam baths.
- (4) Swimming pools.
- (5) Exercise, entertainment, athletic, playground, or other similar equipment and associated accessories.

*(Home Inspectors Licensing Board; 878 IAC 1-1-14; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-15 "Report" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2-2-7**

Sec. 15. "Report" means to communicate, in writing, on all areas required by IC 25-20.2-2-7.

*(Home Inspectors Licensing Board; 878 IAC 1-1-15; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-16 "Representative number" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 16. "Representative number" means one (1) component:

- (1) per room for multiple similar interior components, such as windows and electric outlets; or
- (2) on each side of the building for multiple similar exterior components.

*(Home Inspectors Licensing Board; 878 IAC 1-1-16; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-17 "Roof drainage system" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 17. "Roof drainage system" means components used to carry water off a roof and away from a building.

*(Home Inspectors Licensing Board; 878 IAC 1-1-17; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-18 "Shut down" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 18. "Shut down" means a state in which a system or component cannot be operated by normal operating controls.

*(Home Inspectors Licensing Board; 878 IAC 1-1-18; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-19 "Significantly deficient" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 19. "Significantly deficient" means unsafe or not functioning.

*(Home Inspectors Licensing Board; 878 IAC 1-1-19; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-20 "Solid fuel burning appliances" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 20. "Solid fuel burning appliances" means a hearth and fire chamber or similar prepared place in which a fire may be built and that is built in conjunction with a chimney or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction.

*(Home Inspectors Licensing Board; 878 IAC 1-1-20; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-21 "Structural component" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 21. "Structural component" means a component that supports nonvariable forces or weights and variable forces or weights.

*(Home Inspectors Licensing Board; 878 IAC 1-1-21; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-22 "System" defined**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 22. "System" means a combination of interacting or interdependent components assembled to carry out one (1) or more functions. *(Home Inspectors Licensing Board; 878 IAC 1-1-22; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)*

**878 IAC 1-1-23 “Technically exhaustive” defined****Authority: IC 25-20.2-3-8****Affected: IC 25-20.2**

Sec. 23. “Technically exhaustive” means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

(Home Inspectors Licensing Board; 878 IAC 1-1-23; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2720)

**878 IAC 1-1-24 “Underfloor crawlspace” defined****Authority: IC 25-20.2-3-8****Affected: IC 25-20.2**

Sec. 24. “Underfloor crawlspace” means the area within the confines of the foundation and between the ground and the underside of the floor.

(Home Inspectors Licensing Board; 878 IAC 1-1-24; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721)

**878 IAC 1-1-25 “Unsafe” defined****Authority: IC 25-20.2-3-8****Affected: IC 25-20.2**

Sec. 25. “Unsafe” means a condition in a readily accessible, installed system or component that is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to:

- (1) damage;
- (2) deterioration;
- (3) improper installation; or
- (4) a change in accepted residential construction standards.

(Home Inspectors Licensing Board; 878 IAC 1-1-25; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721)

**Rule 2. Minimum Standards of Competent Practice and Code of Ethics****878 IAC 1-2-1 Minimum standards of competent performance of home inspections****Authority: IC 25-20.2-3-8; IC 25-20.2-3-9****Affected: IC 25-20.2**

Sec. 1. (a) The competent performance of home inspections requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner.

(b) The competent performance of home inspections includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations.

(c) Purpose and scope are as follows:

(1) Licensees shall:

(A) inspect:

- (i) readily accessible systems and components of homes listed in these minimum standards of competent performance; and
- (ii) installed systems and components of homes listed in these minimum standards of competent performance; and

(B) report in writing, as required by IC 25-20.2-2-7:

- (i) on those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives;
- (ii) a reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life;
- (iii) the licensee’s recommendations to correct or monitor the reported deficiency; and
- (iv) on any systems and components designated for inspection in these minimum standards of competent performance that were present at the time of the home inspection but were not inspected and a reason they were not inspected; and

(C) identify on the written report:

- (i) licensee’s name;
- (ii) licensee’s Indiana license number;
- (iii) address of inspected residential dwelling;
- (iv) name of client for whom the inspection is being prepared; and
- (v) date of inspection.

(2) These minimum standards of competent performance are not intended to limit licensees from:

- (A) including other inspection services, systems, or components in addition to those required by these minimum standards of competent performance;
- (B) specifying repairs, provided the licensee is appropriately qualified and willing to do so; or
- (C) excluding systems and components from the inspection if requested by the client.

(d) Structural systems requirements are as follows:

(1) Licensees shall:

(A) inspect:

- (i) the structural components including foundation and framing; and
- (ii) by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist, but probing is not required when probing would damage any finished surface or where no deterioration is visible; and

(B) describe:

- (i) the foundation and report the methods used to inspect the underfloor crawlspace;
- (ii) the floor structure;
- (iii) the wall structure;
- (iv) the ceiling structure; and
- (v) the roof structure and report the methods used to inspect the attic.

(2) Licensees are not required to:

- (A) provide any engineering service or architectural service; or
- (B) offer an opinion as to the adequacy of any structural system or component.

(e) Exteriors requirements are as follows:

(1) Licensees shall:

(A) inspect:

- (i) the exterior wall covering, flashing, and trim;
- (ii) all exterior doors;
- (iii) attached decks, balconies, stoops, steps, porches, and their associated railings;
- (iv) the eaves, soffits, and fascias where accessible from the ground level;
- (v) the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building; and
- (vi) walkways, patios, and driveways leading to dwelling entrances; and

(B) describe the exterior wall covering.

(2) Licensees are not required to inspect:

- (A) screening, shutters, awnings, and similar seasonal accessories;
- (B) fences;
- (C) geological, geotechnical, or hydrological conditions;
- (D) recreational facilities;
- (E) outbuildings;
- (F) seawalls, breakwalls, and docks; or
- (G) erosion control and earth stabilization measures.

(f) Roof systems requirements are as follows:

(1) Licensees shall:

(A) inspect:

- (i) the roof covering;
- (ii) the roof drainage systems;
- (iii) the flashings; and
- (iv) the skylights, chimneys, and roof penetrations; and

(B) describe the roof covering and report the methods used to inspect the roof.

(2) Licensees are not required to inspect:

- (A) antennae;
- (B) interiors of flues or chimneys that are not readily accessible; or
- (C) other installed accessories.

(g) Plumbing systems requirements are as follows:

(1) Licensees shall:

(A) inspect:

- (i) the interior water supply and distribution systems including all fixtures and faucets;
  - (ii) the drain, waste, and vent systems including all fixtures;
  - (iii) the water heating equipment;
  - (iv) the vent systems, flues, and chimneys;
  - (v) the fuel storage and fuel distribution systems; and
  - (vi) the drainage sumps, sump pumps, and related piping; and
- (B) describe:
  - (i) the water supply, drain, waste, and vent piping materials;
  - (ii) the water heating equipment including the energy source; and
  - (iii) the location of main water and main fuel shut-off valves.
- (2) Licensees are not required to:
  - (A) inspect:
    - (i) the clothes washing machine connections;
    - (ii) the interiors of flues or chimneys that are not readily accessible;
    - (iii) wells, well pumps, or water storage related equipment;
    - (iv) water conditioning systems;
    - (v) solar water heating systems;
    - (vi) fire and lawn sprinkler systems; or
    - (vii) private waste disposal systems;
  - (B) determine:
    - (i) whether water supply and waste disposal systems are public or private; or
    - (ii) the quantity or quality of the water supply; or
  - (C) operate safety valves or shut-off valves.
- (h) Electrical systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the service drop;
      - (ii) the service entrance conductors, cables, and raceways;
      - (iii) the service equipment and main disconnects;
      - (iv) the service grounding;
      - (v) the interior components of service panels and subpanels;
      - (vi) the conductors;
      - (vii) the overcurrent protection devices;
      - (viii) a representative number of installed lighting fixtures, switches, and receptacles; and
      - (ix) the ground fault circuit interrupters;
    - (B) describe:
      - (i) the amperage and voltage rating of the service;
      - (ii) the location of main disconnect or disconnects and subpanels; and
      - (iii) the wiring methods; and
    - (C) report on the:
      - (i) presence of solid conductor aluminum branch circuit wiring; and
      - (ii) absence of smoke detectors.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the remote control devices unless the device is the only control device;
      - (ii) the alarm systems and components;
      - (iii) the low voltage wiring, systems, and components; or
      - (iv) the ancillary wiring, systems, and components not a part of the primary electrical power distribution system; or
    - (B) measure amperage, voltage, or impedance.
- (i) Heating systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the installed heating equipment; and
      - (ii) the vent systems, flues, and chimneys; and
    - (B) describe:
      - (i) the energy source; and
      - (ii) the heating method by its distinguishing characteristics.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the interiors of flues or chimneys that are not readily accessible;
      - (ii) the heat exchanger;

- (iii) the humidifier or dehumidifier;
  - (iv) the electronic air filter; or
  - (v) the solar space heating system; or
- (B) determine heat supply adequacy or distribution balance.
- (j) Air conditioning systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect the installed central and through-wall cooling equipment; and
    - (B) describe:
      - (i) the energy source; and
      - (ii) the cooling method by its distinguishing characteristics.
  - (2) Licensees are not required to:
    - (A) inspect electronic air filters; or
    - (B) determine cooling supply adequacy or distribution balance.
- (k) Interiors requirements are as follows:
  - (1) Licensees shall inspect:
    - (A) the walls, ceilings, and floors;
    - (B) the steps, stairways, and railings;
    - (C) the countertops and a representative number of installed cabinets;
    - (D) a representative number of doors and windows; and
    - (E) garage doors and garage door operations.
  - (2) Licensees are not required to inspect:
    - (A) the paint, wallpaper, and other finish treatments;
    - (B) the carpeting;
    - (C) the window treatments;
    - (D) the central vacuum systems;
    - (E) the household appliances; or
    - (F) recreational facilities.
- (l) Insulation and ventilation requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the insulation and vapor retarders in unfinished spaces;
      - (ii) the ventilation of attics and foundation areas; and
      - (iii) the mechanical ventilation systems; and
    - (B) describe:
      - (i) the insulation and vapor retarders in unfinished spaces; and
      - (ii) the absence of insulation in unfinished spaces at conditioned surfaces.
  - (2) Licensees are not required to:
    - (A) disturb insulation or vapor retarders; or
    - (B) determine indoor air quality.
- (m) Fireplaces and solid fuel burning appliances requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the system components; and
      - (ii) the vent systems, flues, and chimneys; and
    - (B) describe:
      - (i) the fireplaces and solid fuel burning appliances; and
      - (ii) the chimneys.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the interiors of flues or chimneys;
      - (ii) the firescreens and doors;
      - (iii) the seals and gaskets;
      - (iv) the automatic fuel fee devices;
      - (v) the mantels and fireplace surrounds;
      - (vi) the combustion make-up air devices; or
      - (vii) the heat distribution assists whether gravity controlled or fan assisted;
    - (B) ignite or extinguish fires;
    - (C) determine draft characteristics; or
    - (D) move fireplace inserts or stoves or firebox content.
- (n) General limitations are as follows:
  - (1) Inspections performed in accordance with these minimum standards of competent performance:
    - (A) are not technically exhaustive; and
    - (B) will not identify concealed conditions or latent defects.
  - (2) These minimum standards of competent performance are applicable to buildings with five or fewer dwelling units and their garages or carports.

- (o) General exclusions are as follows:
- (1) Licensees are not required to perform any action or make any determination unless specifically stated in these minimum standards of competent performance, except as may be required by lawful authority.
  - (2) Licensees are not required to determine any of the following:
    - (A) The conditions of systems and components that are not readily accessible.
    - (B) The remaining life of any system or component.
    - (C) The strength, adequacy, effectiveness, or efficiency of any system or component.
    - (D) The causes of any condition or deficiency.
    - (E) The methods, materials, or costs of corrections.
    - (F) Future conditions including, but not limited to, failure of systems and components.
    - (G) The suitability of the property for any specialized use.
    - (H) Compliance with regulatory requirements, such as codes, regulations, laws, or ordinances.
    - (I) The market value of the property or its marketability.
    - (J) The advisability of the purchase of the property.
    - (K) The presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans.
    - (L) The presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
    - (M) The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
    - (N) The acoustical properties of any system or component.
  - (3) Licensees are not required to:
    - (A) offer or perform:
      - (i) any act or service contrary to law;
      - (ii) engineering services; or
      - (iii) work in any trade or any professional service other than home inspection; or
    - (B) offer warranties or guarantees of any kind.
  - (4) Licensees are not required to operate:
    - (A) any system or component that:
      - (i) is shut down or otherwise inoperable; or
      - (ii) does not respond to normal operating controls; or
    - (B) shut-off valves.
  - (5) Licensees are not required to enter:
    - (A) any area that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems and components; or
    - (B) the underfloor crawlspaces or attics that are not readily accessible.
  - (6) Licensees are not required to inspect:
    - (A) underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active;
    - (B) systems or components that are not installed;
    - (C) decorative items;
    - (D) systems or components located in areas that are not entered in accordance with these minimum standards of competent performance;
    - (E) detached structures other than garages and carports; or
    - (F) common elements or common areas in multiunit housing, such as condominium properties or cooperative housing.
  - (7) Licensees are not required to:
    - (A) perform any procedure or operation that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems or components;
    - (B) move:
      - (i) suspended ceiling tiles;
      - (ii) personal property;
      - (iii) furniture;
      - (iv) equipment;
      - (v) plants;
      - (vi) soil;
      - (vii) snow;
      - (viii) ice; or
      - (ix) debris; or

(C) dismantle any system or component, except as explicitly required by these minimum standards of competent performance.  
*(Home Inspectors Licensing Board; 878 IAC 1-2-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2721)*

#### **878 IAC 1-2-2 Code of ethics for home inspectors**

**Authority:** IC 25-20.2-3-8; IC 25-20.2-3-9

**Affected:** IC 25-20.2

Sec. 2. (a) Integrity, honesty, and objectivity are fundamental principles embodied in this code of ethics, which sets forth obligations of ethical conduct for the home inspection profession. The home inspectors licensing board has adopted this code of ethics to provide high ethical standards to safeguard the public and the profession.

(b) Licensees shall:

- (1) comply with this code of ethics;
- (2) avoid association with any enterprise whose practices violate this code of ethics;
- (3) strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession; and
- (4) avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.

(c) Licensees shall not:

- (1) inspect properties:
  - (A) for compensation in which they have, or expect to have, a financial interest; or
  - (B) under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of property;
- (2) directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections of or inclusion on a list of recommended inspectors, preferred providers, or similar arrangements;
- (3) receive compensation for an inspection from more than one (1) party unless agreed to by the client or clients;
- (4) accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties; or
- (5) repair, replace, or upgrade, for compensation, systems or components covered by the minimum standards of competent performance found in section 1 of this rule for one (1) year after the inspection.

(d) Licensees shall:

- (1) act in good faith toward each client and other interested parties;
- (2) perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience; and
- (3) be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.

(e) Licensees shall not disclose inspection results or client information without client approval. Licensees, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards when feasible.

(f) Licensees shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in their profession.

(g) Advertising, marketing, and promotion of licensees services or qualifications shall not be fraudulent, false, deceptive, or misleading.

(h) Licensees shall report substantive and willful violations of:

- (1) this code of ethics; and
- (2) the minimum standards of competent performance found in section 1 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-2-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2724)*

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#### **Rule 3. Fees and License Requirements**

##### **878 IAC 1-3-1 Fees**

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 1. (a) Candidates for examination shall pay the examination fee directly to the examination service.

(b) The application/issuance fee for a license to practice as a home inspector shall be four hundred fifty dollars (\$450).

(c) The fee for renewal of license to practice as a home inspector shall be four hundred dollars (\$400) biennially.

(d) The penalty fee for late renewal of a license to practice as a home inspector shall be fifty dollars (\$50).

(e) The fee for reinstating a retired license shall be four hundred dollars (\$400).

(f) The application fee for approval as a sponsor of continuing education shall be five hundred dollars (\$500).

(g) The renewal fee for approval to sponsor continuing education shall be five hundred dollars (\$500) biennially.

(h) The application fee for approval as a preclicensing course provider shall be five hundred dollars (\$500).

(i) The renewal fee for approval to provide preclicensing courses shall be five hundred dollars (\$500) biennially.

(j) The fee for verification of licensure to another state or jurisdiction shall be ten dollars (\$10).

(k) The fee for a duplicate wall certificate shall be ten dollars (\$10).

(l) All fees are nonrefundable and nontransferable.

*(Home Inspectors Licensing Board; 878 IAC 1-3-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725)*

### **878 IAC 1-3-2 Preclicensing course requirements**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 2. (a) Applicants for licensure must complete no fewer than sixty (60) hours with a minimum of forty (40) hours of classroom training and a minimum of twelve (12) hours of practical experience provided by a board approved preclicensing course provider.

(b) As used in subsection (a), "practical experience" means experience obtained through either on-site inspection work or experience obtained in a lab setting that includes hands-on or visual defect recognition of building systems or components.

(c) The required course must include training in the following areas:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior.
- (9) Indiana licensure law and report writing.

*(Home Inspectors Licensing Board; 878 IAC 1-3-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725)*

### **878 IAC 1-3-3 Examination requirement**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 3. Applicants for licensure shall be required to pass the National Home Inspector Examination as provided by the Examination Board of Professional Home Inspectors.

*(Home Inspectors Licensing Board; 878 IAC 1-3-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2725)*

### **878 IAC 1-3-4 License renewal**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-1-2; IC 25-1-12; IC 25-20.2**

Sec. 4. (a) The renewal process is governed by IC 25-1-2 as the same may be amended from time to time.

(b) Extensions of time to renew due to military service are governed by IC 25-1-12 as the same may be amended or recodified.

(c) It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change.

(d) If a license has been expired for less than two (2) years, the licensee may renew the license by meeting the following requirements:

- (1) File a renewal application provided by the board.
- (2) Pay the current renewal fee established in section 1 of this rule.
- (3) Pay the penalty fee for late renewal established in section 1 of this rule.

(4) Submit a detailed letter of explanation to the board as to why the license has lapsed.

(5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.

(6) Make a personal appearance before the board, as the board in its discretion may require.

(7) Pass the national examination established in section 3 of this rule, as the board in its discretion may require.

(e) If a license has been expired for more than two (2) years, the licensee may renew the license by meeting the following requirements:

(1) File a renewal application provided by the board.

(2) Pay the current renewal fee established in section 1 of this rule.

(3) Pay the penalty fee for late renewal established in section 1 of this rule.

(4) Submit a detailed letter of explanation to the board as to why the license has lapsed.

(5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.

(6) If the licensee was granted initial licensure under the provisions of P.L. 145-2003, SECTION 15, the licensee must complete a board approved preclicensing course that meets the requirements of section 2 of this rule.

(7) Pass the required national examination established in section 3 of this rule.

(8) Make a personal appearance before the board, as the board in its discretion may require.

*(Home Inspectors Licensing Board; 878 IAC 1-3-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726)*

### **878 IAC 1-3-5 Licensure retirement**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 5. (a) An individual who is licensed as a home inspector and who would like to retire the license shall notify the board, in writing, when the individual retires from practice.

(b) An individual who has placed his or her license in retirement may not practice as a home inspector until the license has been reinstated by the board.

(c) In order to reinstate a retired license, an individual shall do the following:

(1) Complete a retirement reinstatement application, which must be approved by the board.

(2) Pay a reinstatement fee established under section 1 of this rule.

(3) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:

(A) Zero (0) to three (3) years, sixteen (16) hours of continuing education shall be required and must be completed within twelve (12) months before the petition for reinstatement.

(B) Three (3) to six (6) years, thirty-two (32) hours of continuing education shall be required and must be completed within twenty-four (24) months before the petition for reinstatement.

(C) Six (6) years or more shall require board determination of the continuing education needed and the licensee must pass the examination required under section 3 of this rule.

(D) Retirement years shall be calculated from the receipt of request to retire the license until reinstatement of the license.

*(Home Inspectors Licensing Board; 878 IAC 1-3-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726)*

### **878 IAC 1-3-6 Display of license**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 6. An individual who is licensed as a home inspector shall:

(1) display the license or a clear copy of the license at each location where the home inspector conducts business; and

(2) present, upon the request of any client, a pocket card license that indicates the license is active and in good standing.

*(Home Inspectors Licensing Board; 878 IAC 1-3-6; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2726)*



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#### Rule 4. Prelicensing Course Providers

##### 878 IAC 1-4-1 Approval by board

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 1. No preclicensing course provider shall conduct, solicit, or accept student enrollment for a home inspector course as prescribed in this rule without approval of the provider by the board.

*(Home Inspectors Licensing Board; 878 IAC 1-4-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

##### 878 IAC 1-4-2 Application for preclicensing course approval; requirements and content

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 2. (a) Any course provider seeking approval of a home inspector's preclicensing course shall:

- (1) make written application for approval; and
- (2) submit such documents, statements, and forms as required by this rule.

(b) Applicants for approval of a home inspector's preclicensing course shall provide the board with the following:

- (1) The name and address of the school's owner.
- (2) A list of all instructors who will be teaching the course and include evidence to indicate that these instructors have demonstrated competence in the area of home inspection education for which the instructor will be providing instruction.
- (3) A statement of objectives, which the course should achieve for its participants.
- (4) A statement explaining how the provider intends to provide for the following:
  - (A) Adequate administration of the course, including a responsible person to coordinate and administer the course.
  - (B) Maintenance of proper records.
- (5) A statement indicating how the course will be planned and designed to meet the requirements of 878 IAC 1-3-2.

(c) Applicants for approval of a home inspector's preclicensing course shall require a comprehensive examination, which its students must pass with a minimum score of seventy-five percent (75%) in order to successfully complete the course. Applicants shall submit the most current version of this examination at the time of filing the application for approval.

(d) Applicants for approval of a home inspector's preclicensing course shall provide the board with the following:

- (1) Documentation verifying adequate funding for the educational course undertaken.
- (2) An evaluation form devised and used to measure the course's effectiveness.
- (3) A statement indicating the manner in which the provider will provide its course participants a meaningful record of course completion.

*(Home Inspectors Licensing Board; 878 IAC 1-4-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

##### 878 IAC 1-4-3 Course records

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 3. Each approved provider offering approved courses must maintain records of students who successfully complete and pass the course of study for a minimum of five (5) years. The records must include attendance records, examination score records, and duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

*(Home Inspectors Licensing Board; 878 IAC 1-4-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

##### 878 IAC 1-4-4 Preclicensing course provider renewals

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 4. (a) The approval of courses expires on October 1 of each odd-numbered year.

(b) To renew the approval of the preclicensing course, the provider shall:

- (1) pay the renewal fee established in 878 IAC 1-3-1; and
- (2) file a renewal application provided by the board; and

(3) submit a biennial report, which shall contain:

- (A) a list of instructors who teach any section of the course and a curriculum vitae for the instructor if the instructor was not listed on the provider's initial application for approval; and
- (B) a roster of all students who attended the approved providers course during the previous renewal cycle and a report on whether each student passed or failed the course.

*(Home Inspectors Licensing Board; 878 IAC 1-4-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

##### 878 IAC 1-4-5 Preclicensing course provider audits

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 5. The board may perform random audits of approved preclicensing course providers to ensure compliance with this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-4-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

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#### Rule 5. Continuing Education

##### 878 IAC 1-5-1 Continuing education requirements

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 1. (a) A licensee who renews a license as a home inspector shall complete not less than thirty-two (32) continuing education hours in each renewal period.

(b) Continuing education hours shall be obtained within the biennial renewal period in which the licensee is applying and shall not be carried over from one (1) biennial renewal period to another.

(c) A holder of a license issued under IC 25-20.2 must retain a record of the continuing education required by subsection (b) for two (2) years following the end of the biennial renewal period for which it was obtained.

(d) Continuing education completed to satisfy the continuing education requirements of another state with which a reciprocal agreement exists, in which the licensee also holds a license as a home inspector, may be applied towards the continuing education requirement of this rule for renewal of a license issued under IC 25-20.2.

(e) A holder of a license issued under IC 25-20.2 who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:

- (1) A licensee who has been licensed for at least twelve (12) months but less than twenty-four (24) months shall complete sixteen (16) hours of continuing education for renewal of that initial license.
- (2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the continuing education hours required for renewal of that initial license.

*(Home Inspectors Licensing Board; 878 IAC 1-5-1; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2727)*

##### 878 IAC 1-5-2 Continuing education

**Authority:** IC 25-20.2-3-8

**Affected:** IC 25-20.2

Sec. 2. (a) As used in IC 25-20.2, "continuing education" means education provided by board-approved providers that is obtained by a licensee in order to maintain, improve, or expand the licensee's skills and knowledge.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee shall obtain a minimum of seventy-five percent (75%) of the required amount of continuing education hours for renewal from Category I and may obtain a maximum of twenty-five percent (25%) of the required amount of continuing education hours for renewal from Category II.

(c) Category I is defined as continuing education that is formal programming, which includes instruction in one (1) of the following areas:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior components.

(d) Category II is defined as continuing education that is formal programming, which includes instruction in:

- (1) any other site aspects that affect a residential dwelling; or
- (2) business operations, contract writing, ethics courses, report writing, legal liability instruction, or any other formal programming that is specifically directed toward the home inspection industry.

*(Home Inspectors Licensing Board; 878 IAC 1-5-2; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2728)*

#### **878 IAC 1-5-3 Approval of continuing education providers**

**Authority: IC 25-20.2-3-8; IC 25-20.2-6-5**

**Affected: IC 25-20.2**

Sec. 3. (a) The following criteria shall be used for the approval of providers of continuing education courses for licensed home inspectors:

- (1) The continuing education provider shall have a statement of objectives, which the provider's courses should achieve for its participants relating to and enhancing the licensee's practice.

- (2) The provider of continuing education courses shall provide the following:

- (A) Adequate administration, including a responsible person to coordinate and administer the courses.
- (B) Maintenance of proper records.

- (3) Providers of continuing education courses shall provide adequate funding for the educational courses undertaken.

- (4) The curriculum of continuing education courses shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the licensee's practice.

- (5) The continuing education provider shall have qualified faculty members with demonstrated competence in the subject areas.

- (6) The continuing education provider's courses shall be held in adequate facilities that allow for an effective learning environment.

- (7) Continuing education providers may employ a variety of educational methods and teaching aids that enhance the learning opportunities.

- (8) Appropriate methods of evaluation shall be devised and used to measure the continuing education provider's effectiveness.

- (9) The provider of continuing education courses shall provide to the participants a meaningful record of attendance stating the continuing education hours involved and whether the course involved subject matter under Category I or under Category II, as defined in section 2 of this rule.

(b) Organizations applying for board approval to be a registered provider of continuing education courses must submit an application to the board for approval at least ninety (90) days before the presentation of any course. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until October 1 of every odd-numbered year.

(c) An approval to provide continuing education hours for licensed home inspectors will expire on September 30 of the odd-numbered years.

(d) Providers of courses are responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(e) The provider shall maintain attendance records for a minimum of four (4) years from the date of the course. These records must include the following:

- (1) The date of the course.
- (2) The course title.
- (3) The presenter's name.
- (4) The names of all participants.
- (5) The number of continuing education hours granted each participant.
- (6) A record of whether the hours granted are Category I or Category II, as defined in section 2 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-5-3; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2728)*

#### **878 IAC 1-5-4 Request for a waiver of the continuing education requirement**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-1-12; IC 25-20.2**

Sec. 4. (a) A holder of a license issued under IC 25-20.2, seeking renewal of that license without having completed the continuing education hours required for renewal under this rule, must submit:

- (1) a statement explaining the reasons for noncompliance;
- (2) a request for a waiver of the continuing education hours required for renewal; and
- (3) the renewal application and all required fees;

at least forty-five (45) days before the license expiration date.

(b) The licensee must submit evidence that an extreme hardship exists, to the satisfaction of the board, to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the length of the current renewal period only.

(d) If the request is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if an extreme hardship exists. The board will determine whether an extreme hardship exists that would have prevented the licensee from obtaining his or her continuing education hours if, during the licensee's current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual. The existence of the disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include the following:

- (1) The nature and extent of the disability.

- (2) An explanation of how the disability would hinder the licensee from completing the continuing education requirement.

- (3) The name, title, address, telephone number, professional license number, and original signature of the licensed physician or psychologist verifying the disability.

(f) Waivers of the continuing education requirement, or extensions of time in which to complete the continuing education requirement, due to military service are governed by IC 25-1-12 as the same may be amended or recodified.

*(Home Inspectors Licensing Board; 878 IAC 1-5-4; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2729)*

#### **878 IAC 1-5-5 Continuing education audits**

**Authority: IC 25-20.2-3-8**

**Affected: IC 25-20.2**

Sec. 5. (a) The board may require additional evidence demonstrating the licensee's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the licensee to verify that the continuing education hours obtained to meet the continuing education required for the renewal of his or her license have been approved by the board. It is the responsibility of the licensee to retain or otherwise produce evidence of compliance.

(b) The board may perform random audits of approved continuing education providers to ensure compliance with this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-5-5; filed Apr 18, 2005, 12:15 p.m.: 28 IR 2729)*